

MMS Alaska OCS Region

Focus Sheet

Minerals Management Service and Environmental Justice

Environmental Justice Guidance

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, states that “each Federal agency [is to] make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high adverse human health and environmental effects of its programs, policies, and activities on minority populations and low income populations.” Furthermore the Secretary of the Interior directed in an August 17, 1994, memorandum to all bureaus, that these Environmental Justice concerns are to be included in National Environmental Policy Act documentation. In February 1998, CEQ issued guidance to assist Federal agencies in addressing Environmental Justice in their NEPA procedures. The issue of disproportionate, OCS-related impacts is important in Alaska where subsistence hunting, fishing, and gathering activities occur in coastal areas potentially affected by OCS development.

Information on Environmental Justice requirements including the 1995 Department’s “Environmental Compliance Memorandum No. ECM95-3” and the 1998 CEQ guidance should be used in preparing NEPA compliance documents.

Some important elements of Environmental Justice guidance include the following:

- Environmental Justice is to be analyzed and evaluated in “all environmental documents”. Mitigation measures outlined or analyzed in environmental assessment’s, environmental impact statement’s, or Records of Decision, whenever feasible, should address any significant and disproportionately high adverse effects of proposed OCS actions on minority communities and low income communities.
- Consultation is to be conducted with affected groups to identify potential impacts and mitigating measures, and the results of these consultations should be included in the NEPA documents.
- Indian Tribal groups, including Alaska Native tribes, should be treated as “governments,” not just special interest groups.

Environmental Justice in the MMS Environmental Impact Analysis Process

The final EIS for OCS Sale 170 in the Beaufort Sea was issued in 1998, and the sale was held in 1998. The EIS addressed significant Environmental Justice-related items.

Scoping and Public Participation:

- Scoping meetings were held in the local native communities of Nuiqsut, Kaktovik, and Barrow. Issues, alternatives, and mitigation identified at these meetings focused on subsistence whale hunting concerns
- A Beaufort Focus pamphlet, published in both English and Inupiat, was mailed to the North Slope communities. This pamphlet outlined the planning process for the proposed sale, indicated concerns, possible alternatives, and mitigating measures identified to date, and requested comments on additional information to be analyzed in the EIS.
- An Alaska OCS Region Offshore Advisory Committee was established to provide a forum through which Alaska stakeholders could collectively make recommendations on the analysis. This Committee included native community representation.
- An Arctic Seismic Synthesis and Mitigating Measures Workshop was held in Barrow, Alaska in 1997 to elicit observations from subsistence whaling captains on the effects of seismic activities on bowhead whales. This “traditional knowledge” was combined and synthesized with research and monitoring data on bowhead whale migration.
- Public hearings for the draft EIS were held in the local native communities. Translators were used to present the information in the Inupiat language, as well as English.
- “Dialogue” meetings with the North Slope Borough were also held to obtain and use “traditional knowledge” or indigenous knowledge information for the EIS analysis, especially in regard to effects on bowhead whale subsistence hunting.

Since Sale 170, similar environmental justice analyses were done for the Northstar and Liberty development projects in the Beaufort Sea

Research and Data Collection:

Since 1973, the MMS Environmental Studies Program has defined information needs and conducted studies to predict the effects of oil and gas exploration and development on the human, marine, and coastal environments. Some studies provide information applicable to analyses of Environmental Justice concerns, such as information on native subsistence, sociocultural, and economic patterns. For example,

- Comprehensive studies were completed to characterize the subsistence use and sociocultural structure of rural native villages, including those on the North Slope.
- Since 1987, the Bowhead Whale Aerial Survey Project has provided valuable bowhead whale migration data in the Beaufort Sea.
- Studies that will provide applicable Environmental Justice information include:
 - Collection of Traditional Knowledge of the Alaskan North Slope Bowhead Whale
 - Feeding in the Eastern Alaskan Beaufort Sea
 - Exxon Valdez Oil Spill Cleanup, and
 - Litigation: A Community-Based Collection of Social-Impacts Information and Analysis, 1989-1996.

Impact Analysis and Mitigation:

Environmental Justice concerns were specifically addressed in the Sale 170 EIS and the Record of Decision as follows:

- The concept of Environmental Justice is introduced in Chapter I and analyzed in Chapter IV under the “Sociocultural Systems” heading. In the analysis, the existing demographics such as race and income, and subsistence consumption of fish and game are discussed, disproportionate adverse effects on Alaskan Natives are identified, and mitigating measures and their effects are presented.
- A ROD was prepared which included a summary analysis of the potential for disproportionate adverse effects on Alaskan Natives and the effectiveness of proposed mitigating measures

For More Information

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